

Act protections, contracting officers may award contracts presuming that DHS will issue a SAFETY Act designation/certification to the contractor after contract award only if—

- (1) The criteria of 50.205-3(a) are met;
- (2) The chief of the contracting office (or other official designated in agency procedures) approves the action; and
- (3) The contracting officer advises DHS of the timelines for potential award and consults DHS as to when DHS could reasonably complete evaluations of offerors' applications for SAFETY Act designations or certifications.

(b) Contracting officers shall not authorize offers presuming that SAFETY Act certification will be obtained (as opposed to a SAFETY Act designation), unless a block certification applies to the class of technology to be acquired under the solicitation.

[72 FR 63030, Nov. 7, 2007, as amended at 74 FR 2738, Jan. 15, 2009]

50.206 Solicitation provisions and contract clause.

(a) Insert the provision at 52.250-2, SAFETY Act Coverage Not Applicable, in solicitations if—

- (1) The agency consulted with DHS on a questionable case of SAFETY Act applicability to an acquisition in accordance with 50.205-1(a), and after the consultation, the agency has determined that SAFETY Act protection is not applicable for the acquisition; or
- (2) DHS has denied approval of a pre-qualification designation notice.

(b)(1) Insert the provision at 52.250-3, SAFETY Act Block Designation/Certification, in a solicitation when DHS has issued a block designation/certification for the solicited technologies.

(2) Use the provision at 52.250-3 with its Alternate I when contingent offers are authorized in accordance with 50.205-3.

(3) Use the provision at 52.250-3 with its Alternate II when offers presuming SAFETY Act designation or certification are authorized in accordance with 50.205-4. If this alternate is used, the contracting officer may increase the number of days within which offerors must submit their SAFETY Act designation or certification application.

(c)(1) Insert the provision at 52.250-4, SAFETY Act Pre-qualification Designation Notice, in a solicitation for which DHS has issued a pre-qualification designation notice.

(2) Use the provision at 52.250-4 with its Alternate I when contingent offers are authorized in accordance with 50.205-3.

(3) Use the provision at 52.250-4 with its Alternate II when offers presuming SAFETY Act designation or certification are authorized in accordance with 50.205-4. If this alternate is used, the contracting officer may increase the number of days within which offerors must submit their SAFETY Act designation or certification application.

(d) Insert the clause at 52.250-5, SAFETY Act—Equitable Adjustment—(1) In the solicitation, if the provision at 52.250-3 or 52.250-4 is used with its Alternate II; and

(2) In any resultant contract, if DHS has not issued SAFETY Act designation or certification to the successful offeror before contract award.

[72 FR 63030, Nov. 7, 2007, as amended at 74 FR 2738, Jan. 15, 2009]

PART 51—USE OF GOVERNMENT SOURCES BY CONTRACTORS

Sec.
51.000 Scope of part.

Subpart 51.1—Contractor Use of Government Supply Sources

- 51.100 Scope of subpart.
- 51.101 Policy.
- 51.102 Authorization to use Government supply sources.
- 51.103 Ordering from Government supply sources.
- 51.104 Furnishing assistance to contractors.
- 51.105 Payment for shipments.
- 51.106 Title.
- 51.107 Contract clause.

Subpart 51.2—Contractor Use of Interagency Fleet Management System (IFMS)

- 51.200 Scope of subpart.
- 51.201 Policy.
- 51.202 Authorization.
- 51.203 Means of obtaining service.
- 51.204 Use of interagency fleet management system (IFMS) vehicles and related services.